

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

ANTHONY ADAMS MILLAN, )  
Petitioner, )  
vs. ) NO. CIV-22-0933-HE  
STEVEN HARPE, )  
Respondent. )

## ORDER

Petitioner Anthony Adams Millan, a state prisoner appearing *pro se*, filed this § 2254 case seeking habeas relief from his state court conviction. Pursuant to 28 U.S.C § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Shon T. Erwin for initial proceedings. Respondent filed a motion to dismiss the petition as untimely. Petitioner never responded to the motion despite being granted a extension of time to respond. Judge Erwin has issued a Report and Recommendation recommending that respondent's motion to dismiss be granted.

The Report advised petitioner of his right to object on or before June 1, 2023. Petitioner has not objected to the Report thereby waiving his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #18]. Respondent's motion to dismiss [Doc. #13] is **GRANTED**. The petition is dismissed with prejudice. Further, a certificate of appealability is **DENIED** because petitioner has failed

to make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2).

**IT IS SO ORDERED.**

Dated this 11<sup>th</sup> day of July, 2023.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE